THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7034 of 2007

Dated: 05.04.2007

Between:

Boppuru Krishna Murthy

..... PETITIONER

AND

The District Collector, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.7034 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.5.40 in survey No.575 situated at Padamatipalem Village, Sangam Mandal, Nellore District. He has started prawn culture in an extent of Acs.3.70. It is stated that before doing so, he made an application seeking permission for taking up of aqua culture before the Assistant Director of Fisheries Department, who rejected the same. It is further alleged that he approached the Panchayat Secretary, Padamatipalem Gram Panchayat, for issuance of 'No Objection Certificate' to proceed with aqua culture and obtained the same. While so, one D. Sashidhar Reddy, resident of said village, filed W.P.No.24142 of 2006 against the petitioner and his son alleging that without obtaining permission from the competent authorities, they are proceeding with aqua culture in Acs.6.00. This Court, by order dated 20.11.2006, while following the decision of a Division Bench of this Court in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada**[1], disposed of said writ petition directing the revenue authorities to follow due process of law and remove prawn culture. Pursuant to the same, third respondent issued show-cause notice 19.02.2007. The petitioner raised objection by filing explanation before third respondent. Third respondent, after considering explanation, passed impugned order dated 22.02.2007 directing the petitioner to stop aqua culture. Aggrieved by which instant writ petition is filed.

The learned counsel for the petitioner submits that the petitioner commenced aqua culture in fresh water after obtaining necessary permission from the Assistant Director of Fisheries, according to which no prior permission of aqua culture authority is required. Secondly he submits that the judgment of this Court in **Madireddy Padma Rambabu** (supra) has no application as the petitioner's land is situated outside seaward.

Both the submissions are misconceived. The Division Bench of this Court in **Madireddy Padma Rambabu** (supra) was dealing with two groups of writ petitions. In first group of writ petitions, farmers of fish/shrimp culture assailed the action of the revenue officials in prohibiting their activity. In second group of writ petitions, the neighbouring agriculturists complained about the fish/shrimp culture undertaken by the farmers in the surrounding are. Following the judgment of the Supreme Court in **S.Jagannath v. Union of India**[2], this Court dismissed first group of writ petitions and allowed second

group of writ petitions in the following manner.

> For the reasons aforementioned the first group of writ petitions are dismissed. The second group of writ petitions are allowed with a direction upon the respondents not to allow any person to carry on the activities of shrimp culture or prawn culture or any type of aquaculture without obtaining the prior permission from the competent authority as referred to hereinbefore and insofar as they are applicable in the case of particular persons upon strict compliance with the directions issued by the Apex Court in **Jagannath** case (supra).

By impugned order dated 22.02.2007, third respondent directed the petitioner to stop aqua culture as he did not obtain prior permission of the authorities. Conclusion arrived at by third respondent is unassailable and the writ petition is misconceived.

The writ petition is accordingly dismissed. No costs.

_____

(**V.V.S.RAO, J**)

05th April, 2007
ghn

---

[1] 2002(1) ALD 728 (DB)

[2] AIR 1997 SC 811